

REMARKS

In view of the above amendment and the following remarks, reconsideration and allowance of this application are respectfully requested. Claims 1-32 are pending in the application, with claims 1, 13, and 16 being independent. Claims 1, 11, 13 and 16 have been amended. This amendment is being filed concurrently with a Request for Continued Examination.

Claims 1, 2, 5-11, 13, 16, 17, 19, 23 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobo (U.S. Patent No. 5,675,507) in view of Kumar (U.S. Patent No. 6,240,445). With respect to claim 1 and claims depending from claim 1, applicant requests reconsideration and withdrawal of this rejection because neither Bobo, Kumar nor any combination of the two describes or suggests having a sending system transmit a notification to a receiving system, with the notification signifying that the sending system is transmitting digital information over a network to a server system, and that the digital information may be accessible by the receiving system at the server system without accessing the sending system, as recited in amended claim 1.

The examiner concedes that Bobo "does not explicitly teach that the sending system transmits both the digital information [to the server system] and a notification to the receiving system," and relies on Kumar for this teaching. Kumar discloses transmission of a notification message by a computer 18 that receives a facsimile message:

A facsimile message 12 is transmitted from a transmitting facsimile machine 14 across the public switched telephone network (PSTN) 16 to a computer 18 where the facsimile message 12 is received. Computer 18 may provide storage and forwarding services for a number of subscribers of facsimile message reception system 10. (Col. 4, line 65 – col. 5, line 4.)

Upon receipt of a facsimile message 12, computer 18 forwards a notification message which indicates such reception to the intended recipient. (Col. 5, lines 9-11.)

The notification message may be transmitted across a computer network 22 (e.g., the internet) to the user. (Col. 5, lines 19-20.)

Upon receipt of the notification message, the user ... may choose to have facsimile message 12 down-loaded to a receiving computer 24, a storage medium 26, or a hard copy output device (e.g., a facsimile machine or printer) 28 and/or a combination of these devices. Storage medium 26 may, for example, be included within the receiving computer 24. (Col. 5, lines 29-38.)

In one embodiment, the notification message is transmitted via e-mail and may comprise the facsimile message itself, an e-mail attachment which includes the facsimile message, or a computer network address (e.g., a URL) which identifies or specifies a location (e.g., a web page) at which the received facsimile message may be accessed. The URL may identify a web page associated with the computer or a web page associated with some other storage device Computer 18 may also include a storage archive for received facsimile messages and the notification message may comprise an address of the storage archive at which a particular stored facsimile message may be accessed. (Col. 8, lines 24-37.)

Computer 18 is the portion of the system which notifies the user and receives/stores the facsimile messages (i.e., digital information) that may be retrieved later by the user. Kumar discloses that computer 18 transmits digital information to a storage device, as noted by the examiner at page 9. Kumar does not disclose that computer 18 transmits digital information over a network to a server system. In particular, Kumar discloses that “[c]omputer 18 may also include a storage archive for receiving facsimile messages and the notification message may comprise an address of the storage archive at which a particular stored facsimile message may be accessed.” (Col. 8, lines 35-38.) Kumar discloses that the storage archive is a storage device associated with the computer 18. FIG. 5 shows the archive 48 within the boundary of computer 18 using the well-known cylindrical form typically used for illustrating storage media. Kumar provides example implementations of the archive 48 as “a hard disk drive or other storage devices.” (Col. 8, line 56). Although Kumar notes that the “storage archive 48 may be located separate from computer 18,” Kumar discloses the archive 48 only as a storage device associated with the computer 18. (Col. 8, lines 65-66.)

In contrast, the apparatus recited in claim 1 includes a sending system that transmits a notification to a receiving system, with the notification signifying that the sending system is transmitting the digital information over the network to the server system, and that the digital

information may be accessible by the receiving system at the server system without accessing the sending system.

The examiner asserts that computer 18 of Kumar may correspond to the sending system of claim 1 and that the storage archive 48 of Kumar most closely corresponds to the server system of claim 1. Assuming merely for the sake of argument that the storage archive 48 of Kumar corresponds to the server system of claim 1, computer 18 transmits to the receiving system a notification message and transmits the digital information to the storage archive 48. The notification message includes "the URL of a web page at which the stored facsimile message 44 may be accessed." (Col. 8, lines 57-60.) Such a notification message transmitted by computer 18 does not signify that the computer 18 is transmitting the digital information to the storage archive, as recited in amended claim 1.

Moreover, the notification message in Kumar does not signify that the digital information may be accessible by the receiving system at the storage archive without accessing computer 18, as recited in amended claim 1. Rather, in Kumar, the storage archive is a storage device of computer 18, which in some implementations may be separate from the computer 18, as described previously. In Kumar, recipients later access the digital information at a storage device of the computer 18 – that is, the sending system. In particular, Kumar discloses a notification to alert a "user to the fact that facsimile message 12 has been received by computer 18 and, thus, prompt the user to access computer 18 to retrieve the received facsimile message." (Col. 5, lines 59-65.) In the Kumar system, access to the sending system is necessary to retrieve the digital information from the server system. Accordingly, the notification message in Kumar cannot signify that the digital information may be accessible by the receiving system at the server system without accessing the sending system.

Thus, computer 18, like the message and storage system described in Bobo, does not transmit both digital information to the server system and a notification to the receiving system, with the notification signifying that the sending system is transmitting the digital information to the server system and that the digital information may be accessible by the receiving system at the server system without accessing the sending system.

For at least these reasons, Kumar does not remedy the failure of Bobo to describe or suggest the subject matter of independent claim 1. Accordingly, applicant requests withdrawal of the rejection of independent claim 1 and claims 2 and 5-11, which depend from claim 1.

Similarly to independent claim 1, amended claims 13 and 16 each recite a sending system that transmits a notification to a receiving system, with the notification signifying that the sending system has transmitted digital information to a server system, and that the digital information may be accessible by the receiving system at the server system without accessing the sending system. Accordingly, for the reasons noted above with respect to amended claim 1, applicant requests withdrawal of the rejection of amended claims 13 and 16, and claims 17, 19, 23 and 27, which depend from claim 16.

Dependent claims 3, 4, 12, 14, 15, 18, 20-22, 24-26 and 28-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobo (U.S. Patent No. 5,675,507) and Kumar (U.S. Patent No. 6,240,445) in view of Masters (U.S. Patent No. 5,872,930). As discussed above, neither Bobo, Kumar nor any combination of the two describes or suggests a sending system that transmits over a network both a notification to a receiving system and digital information to a server system from which the receiving system may access the digital information without accessing the sending system.

Master does not remedy the failure of Bobo and Kumar to describe or suggest the subject matter of independent claims 1, 13 and 16, from which the rejected dependent claims depend. Instead, Masters describes balancing the load or volume of electronic mail across multiple electronic mail servers. See Masters, col. 2, lines 18-34. For at least these reasons, applicant requests withdrawal of the rejection of claims 3, 4, 12, 14, 15, 18, 20-22, 24-26 and 28-32, each of which depends from claim 1, 13 or 16.

Independent claims 1, 13 and 16 also were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. Patent No. 5,790,790) in view of Ishibashi (European Patent Application EP 0 812 100 A2). With respect to claim 1, applicant requests reconsideration and withdrawal of this rejection because neither Smith, Ishibashi, nor any combination of the two describes or suggests having a sending system transmit a notification to a receiving system, with

the notification signifying that the sending system is transmitting the digital information over the network to the server system, and that the digital information may be accessible by the receiving system at the server system without accessing the sending system, as recited in amended claim 1.

The examiner concedes that Smith does not teach that the sending system transmits both the digital information to a server system and a notification to a receiving system. The examiner relies on Ishibashi to remedy this failure of Smith. However, Ishibashi does not describe or suggest a sending system that transmits to a receiving system a notification signifying that the sending system is transmitting the digital information over the network to the server system, as recited in amended claim 1.

Specifically, Ishibashi discloses a communication device that sends an electronic mail transmission over a network to a server. See Ishibashi at page 4, line 56 – page 5, line 35. After the transmission of the electronic mail message to the server, the communication device sends a facsimile notification that the electronic mail message has been sent. See Ishibashi at page 6, lines 19-29 and page 7, lines 19-20.

Since the communication device sends the notification facsimile after transmitting the digital information (i.e., the electronic mail message), the notification message necessarily would not signify that the sending system is transmitting digital information that may be accessible at the server system. Rather, the message would, at best, indicate that the sending system transmitted digital information that may be accessible at the server system.

As such, Ishibashi does not disclose or suggest “a sending system connected to the network and transmitting a notification to the receiving system, the notification signifying that the sending system is transmitting the digital information over the network to the server system and that the digital information may be accessible by the receiving system at the server system,” as recited in claim 1, and, accordingly, does not remedy the failure of Smith to describe or suggest the subject matter of amended claim 1.

For at least these reasons, applicant requests withdrawal of the rejection of independent claim 1.

Similarly to independent claim 1, amended claims 13 and 16 each recite a sending system transmitting a notification using a network to a receiving system, with the notification signifying that the sending system is transmitting the digital information over the network to the server system, and that the digital information may be accessible to the receiving system at the server system without accessing the sending system. Accordingly, for the reasons noted above with respect to claim 1, applicant requests withdrawal of the rejection of claims 13 and 16.

As to claim 32, the examiner concedes that none of Bobo, Kumar or Masters, alone or in combination, explicitly teach the step of reestablishing an interrupted connection and resuming transmission of the digital information starting with previously unsent digital information at the point of interruption. The examiner takes official notice that restarting a connection at the point of interruption was well known in the networking art and, therefore, "it would have been obvious to one having ordinary skill in the art to have incorporated a method to restart a connection at the point of interruption into the system of Bobo-Kumar-Masters." Applicant traverses the office notice taken because resuming transmission of the digital information starting with previously unsent digital information at the point of interruption is not believed to be prior art. Applicant believes that the assertion of which the examiner has taken official notice is not "capable of such instant and unquestionable demonstration as to defy dispute" as to whether the assertion is well-known and that it is inappropriate for the examiner to take such official notice, particularly when the application is under final rejection. MPEP 2144.03A. If the examiner wishes to maintain the assertion, applicant respectfully requests that the examiner provide documentary evidence.

Applicant asks that all claims be allowed. Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated May 6, 2003 be extended for three months to and including November 6, 2003. Enclosed is a \$860.00 check for the Request for Continued Examination fee (\$385) and the Petition for Extension of Time fee (\$475). Please apply any other charges or credits to deposit account 06-1050.

Applicant : Hiroshi KOBA et al.
Serial No. : 09/258,609
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Page : 14 of 14

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(2115/13)

Respectfully submitted,

Date: 11-5-03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroshi KOBATA et al. Art Unit : 2142
Serial No. : 09/258,609 Examiner : P. Kang
Filed : February 26, 1999
Title : ELECTRONIC PARCEL DELIVERY SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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REQUEST FOR INITIALED PTO FORM 1449

Upon reviewing the file, Applicants note that the initialed Form PTO-1449 that accompanied an Information Disclosure Statement filed October 15, 2001 has not been received.

Applicants' records show that this Information Disclosure Statement complied with 37 CFR § 1.97. Thus, it is respectfully requested that the Examiner initial and return this form as soon as possible. For the Examiner's convenience, a copy of Form PTO-1449 that accompanied the October 15, 2001 IDS, as well as a copy of the stamped postcard, are enclosed.

Respectfully submitted,

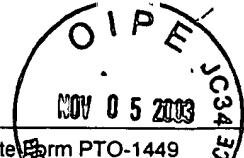
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Substitute (Modified)	Form PTO-1449	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 11365-009001	Application No. 09/334,309
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Hiroshi KOBATA et al.		
		Filing Date June 16, 1999	Group Art Unit 2766	

U.S. Patent Documents							
Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	5,675,507	Oct. 7, 1997	Bobo, II			
	AB	5,790,790	Aug. 4, 1998	Smith et al.			
	AC						
	AD						
	AE						RECEIVED
	AF						NOV 10 2003
	AG						Technology Center 2100
	AH						
	AI						
	AJ						
	AK						

Foreign Patent Documents or Published Foreign Patent Applications							
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation
							Yes No
	AL	EP0798899A1	10/01/1997	European			
	AM	EP0887755A2	12/30/1998	European			
	AN	EP0812100A2	12/10/1997	Europoean			
	AO						
	AP						

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AQ	
	AR	
	AS	
	AT	

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	